

# EXHIBIT K

## 1 UNITED STATES DEPARTMENT OF JUSTICE

2 \_\_\_\_\_X

3 IN THE MATTER OF: : Civil

4 : Investigative

5 JETBLUE/SPIRIT INVESTIGATION : Demand 31421

6 :  
7 \_\_\_\_\_X

8 Denver, Colorado

9 Thursday, March 2, 2023

10  
11 Deposition of BARRY BIFFLE, a witness herein,  
12 called for examination by counsel for United States  
13 Department of Justice in the above-entitled matter,  
14 pursuant to Civil Investigative Demand, the witness  
15 being duly sworn by Marjorie R. Dauster, a Notary  
16 Public in and for the State of Colorado, held remotely  
17 at 9:06 a.m., Thursday, March 2, 2023, and the  
18 proceedings being taken down by Stenotype by  
19 Marjorie R. Dauster, RMR, CRR, and transcribed under  
20 her direction.  
21  
22  
23  
24  
25

1 calculate your average revenue for the route.

2 Q. Does Frontier have any sort of minimum on  
3 forecasted profitability that would make it willing to  
4 enter a route?

5 A. If we don't believe it has the potential to  
6 someday at least make 10 percent, we don't -- we don't  
7 start the route.

8 Q. And when you say "someday," is that within any  
9 sort of particular time frame?

10 A. Typically within -- so for domestic, within a  
11 year, and international within a year and a half. And,  
12 by the way, that's pre-tax margins.

13 Q. Does Frontier have any internal models to put  
14 together these route-level forecasts?

15 A. Yes.

16 Q. What does Frontier call those models?

17 A. I'm not sure what they call them. I mean, it  
18 would be projected route P&Ls.

19 Q. Okay.

20 A. And to be fair, it's not really a model. I  
21 mean, we just have -- you know, we have calculations  
22 and some spreadsheets. I mean . . .

23 Q. When Frontier estimates demand, do you also  
24 include any sort of estimate on the amount of  
25 stimulation of demand Frontier has?

1 A. Absolutely. Yes.

2 Q. How do you come up with it? How does Frontier  
3 come up with that number, in your experience?

4 A. The domestic market that we have extremely  
5 discrete data, we just -- we just take our averages of  
6 what we've done. And so we -- we know how much each  
7 discount level will have -- you know, we know the  
8 corresponding amount of stimulation you get at each  
9 amount of discount.

10 And so that will enable us to project the  
11 stimulation, and we'll get to what we think the demand  
12 is. If it is a market that has no data and just hasn't  
13 been flown, we may look at city proxies and -- for  
14 example, if you're looking at a route to fly to Orlando  
15 and maybe they don't have service today, we might look  
16 at a city that is similar to that with similar income,  
17 similar size, and -- and that gives us a proxy, if you  
18 will, to understand how big the market could be.

19 Q. Okay. In your experience, when Frontier is  
20 evaluating entry into a route, does it matter that  
21 Frontier is already present in both airports that would  
22 be on the route?

23 A. Very helpful.

24 Q. Would you say it's more likely for Frontier to  
25 enter a route where it's already present on both